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United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge			B. Moran	Sitting Judge if Other than Assigned Judge				
CASE NUMBER		01 (C 1032	DATE	12/28	3/2001		
CASE TITLE		David & Julia Strohmaier vs. Yemm Chevrolet et al.						
мо	TION:	[In the following box (of the motion being p	e motion, e.g., plaintiff, defen	dant, 3rd party plaintiff, and	d (b) state briefly the nature			
			Memorandum O	pinion and Order				
DO	CKET ENTRY:							
(1)	☐ File	d motion of [use listing	ng in "Motion" box ab	ove.]	77804	4		
(2)	□ Brie	ef in support of motion due						
(3)	□ Ans	Answer brief to motion due Reply to answer brief due						
(4)	□ Rul	Ruling/Hearing on set for at						
(5)	☐ Stat	Status hearing[held/continued to] [set for/re-set for] on set for at						
(6)	□ Pre	Pretrial conference[held/continued to] [set for/re-set for] on set for at						
(7)	☐ Tria	Trial[set for/re-set for] on at						
(8)	□ [Be	[Bench/Jury trial] [Hearing] held/continued to at						
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] ☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).						
(10)	(10) In [Other docket entry] Enter Memorandum Opinion and Order. We award attorneys' fees in the amount of \$10,698.75.							
(11)) II [For	further detail see ord	er attached to the orig	inal minute order.]				
	No notices required	, advised in open court.				Document		
	No notices required.			ļ	number of notices	Number		
Notices mailed by judge's staff.				JAN - 3 2002				
	Notified counsel by telephone. Docketing to mail notices.			-	date docketed	1 1/		
Mail AO 450 form.		Lango top	asmism	docketing deputy initials	144			
Copy to judge/magistrate judge.		TRUBO TOIMTEID LEU			' '			
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

DAVID and JULIA STROHMAIER,)		DOCKELEY
Plaintiffs,)		74W - 3 5005
vs.	No. 01 C 1032	
YEMM CHEVROLET, and GENERAL) MOTORS ACCEPTANCE CORPORATION,)		
) Defendants.)		

MEMORANDUM OPINION AND ORDER

Plaintiffs, in this consumer action, sued GMAC and their dealer, Yamm Chevrolet. It was filed as a class action. GMAC settled early in the case. The suit against the dealer involved numerous claims for substantially the same relief, which lead to extensive briefing of a motion to dismiss (which largely failed). Ultimately the dealer settled for return of a down-payment of \$531 and reasonable attorneys' fees.

Plaintiffs claim \$15,003.75 in attorneys' fees, \$14,253.75 for 63.35 hours expended by Dmitry N. Feofanov and \$775 for 2.5 hours expended by Sharmila Roy. They set Feofanov's rate at \$225 per hour and Roy's at \$300 per hour. Yemm Chevrolet contends that the hourly rates are excessive, that plaintiffs should not be compensated for 2.7 hours spent on class allegations, that 13.9 hours for five status calls are excessive, that it should not be required to compensate plaintiffs for 5.5 hours spent exclusively on claims against GMAC, that 6.9 hours spent amending the complaint are excessive, that plaintiffs should not be compensated for 14 hours spent responding to the motion to dismiss because the claims were duplicitous, and the fees should be reduced due to plaintiffs' very modest success. Thereafter defendant finally

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furnished the time records of its own attorneys, which disclosed that those attorneys spent 80.8 hours on the case, but charged only \$100 per hour. Finally, plaintiffs referred the court to a recent opinion by Judge Darrah awarding \$225 per hour to Feofanov.

We think, as did Judge Darrah, that \$225 per hour for Feofanov is a reasonable market rate. We award the same rate for Roy's time, partly because the \$300 per hour rate is insufficiently supported and partly because we are unsure what she did during the 2.5 hours, although defendant does not question that aspect. We think, also, as did Judge Darrah, that the court time is excessive. An attorney would not have a paying client for long in a case of this limited exposure if he charged \$225 per hour for an average of 2.8 hours at each status call, almost all of it expended in travel to and from Naperville. We think one hour per status call is reasonable. Like Judge Darrah, we do not think the limited time sent on class allegations, soon abandoned, should be deducted. They were, at least originally, part of the case. Like Judge Darrah, we think the time spent on amending the complaint is excessive. The \$225 rate is in large part based upon counsel's experience in this field, with similar cases in the past. We scale that back to three hours. We do not believe plaintiffs are entitled to recover from the dealer for the time spent on the GMAC claims. Perhaps an inability to collect fees from GMAC raises questions about the economic feasibility of prosecuting such claims, but that is not a reason for transferring the burden to the dealer. We think the time spent responding to the motion to dismiss is compensable. Plaintiffs alleged too many claims, but defendant did not need to launch its largely unsuccessful attack upon them since it was highly improbable that no claims would survive. It gained virtually nothing by the attempt, and plaintiffs had to respond. Finally, the recovery was indeed modest, but that was always likely, and, if defendant chose not to settle early, plaintiffs had to prosecute the litigation.

We award attorneys' fees in the amount of \$10,698.75.

JAMES B. MORAN

Senior Judge, U. S. District Court

Doc. 28, 2001.